

**AMENDMENTS TO THE CLAIMS**

This listing of claims will replace all prior versions, and listing, of claims in the application:

Listing of Claims:

1. (Original) A recording medium, comprising:  
a recording capacity information indicated on the recording medium, wherein the recording capacity information includes first information for indicating a fixed recording capacity of the recording medium, and second information for indicating the varied recording capacity of the recording medium, the second information being recorded at a position different from the first information.
2. (Original) The recording medium of claim 1, wherein the recording capacity information is recorded on a lead-in area of the recording medium.
3. (Original) The recording medium of claim 1, wherein the first information is recorded on a pre-recorded area of the recording medium, while the second information is recorded on a recordable or rewritable area of the recording medium.
4. (Original) The recording medium of claim 1, wherein the first information is recorded with an identification information added thereto.
5. (Original) The recording medium of claim 1, wherein the first information is recorded in a pre-recorded form on the recording medium.

6. (Original) The recording medium of claim 1, wherein the second information is varied depending on an assignment or variance of a spare area to replace a defective unit.

7. (Original) The recording medium of claim 6, wherein the second information indicates a capacity of a user data area, which excludes the spare area.

8. (Original) The recording medium of claim 6, wherein the spare area is a second spare area.

9. (Original) The recording medium of claim 8, wherein the second spare area is excluded from a user data area, and the second information is the information at least excluding the second spare area.

10. (Currently Amended) A method for recording a recording capacity of a recording medium having a user area, the recording medium provided with first information as pre-recorded form to indicate default recording capacity, the method comprising the steps of:

~~providing first information in pre-recorded form on the recording medium to indicate default recording capacity; and~~

checking whether the recording capacity of the recording medium is varied; and

recording second information on a recordable or rewritable area of the recording medium to indicate a varied recording capacity if the recording capacity of the recording medium is varied as a result of the checking step, wherein the second information is recorded at a position different from the first information.

11. (Original) The method of claim 10, wherein the first information is provided with an identification information added thereto.

12. (Original) The method of claim 10, wherein the first information is recorded on a pre-recorded area of the recording medium, while the second information is recorded on the recordable or rewritable area of the recording medium.

13. (Original) The method of claim 10, wherein the first information indicates a capacity of 4.7 GB.

14. (Original) The method of claim 10, wherein the first information indicates an entire recording capacity of the recording medium.

15. (Original) The method of claim 10, wherein the second information is varied depending upon an assignment or variance of a spare area to replace a defective unit of a user data area.

16. (Original) The method of claim 15, wherein the spare area is a second spare area.

17. (Original) The method of claim 16, wherein the second spare area is excluded from the user data area, and the second information is the information at least excluding the second spare area.

18. (Currently Amended) An optical recording medium comprising:  
a lead-in area divided into a pre-recorded area and a recordable or rewritable area;  
a user data area; and

a lead-out area,

wherein the lead-in area includes a recording capacity information for indicating a recording capacity of the optical recording medium, the recording capacity information including first information recorded in a pre-recorded form on ~~a pre-recorded area~~ of the optical recording medium to indicate a fixed recording capacity, and second information recorded on the recordable or rewritable area of the optical recording medium to indicate a varied recording capacity of the optical recording medium, wherein the first and second information are recorded at different positions of the optical recording medium ~~depending upon at least one of an assignment and variance of a spare area.~~

19. (Original) The optical recording medium of claim 18, wherein the second information is varied when a second spare area to replace a defective unit of a user data area is assigned or expanded.

20. (Original) The optical recording medium of claim 18, wherein the second information is recorded with an identification information added thereto.

21. (Original) The optical recording medium of claim 18, wherein the identification information is changed when the recording capacity of the recording medium is varied.

22. (Original) The optical recording medium of claim 18, wherein the spare area is a second spare area.

23. (Original) The optical recording medium of claim 22, wherein the second spare area is excluded from a user data area, and the second information is the information at least excluding the second spare area.

24. (Currently Amended) The optical recording medium of claim 18, wherein the ~~first and second information are recorded at different positions of the optical recording medium~~ indicates a recording capacity varied depending upon at least one of an assignment and variance of a spare area.

25. (Original) A method for recording a recording capacity of an optical recording medium, the optical recording medium including a recording capacity information recorded on an area of the optical recording medium, the recording capacity information including first information recorded on a pre-recorded area of the optical recording medium to indicate a default recording capacity, and second information recorded on a recordable or rewritable area of the optical recording medium to indicate a varied recording capacity of the optical recording medium, the method comprising the steps of: determining whether a spare area to replace a defective unit of a user data area is assigned or expanded; and

updating the second information based upon a result of said determining step.

26. (Original) The method of claim 25, wherein the second information is recorded with an identification information added thereto.

27. (Original) The method of claim 26, wherein the identification information is changed when the recording capacity of the optical recording medium is varied.

28. (Original) The method of claim 25, wherein a second spare area is excluded from the user data area.

29. (Original) The recording of claim 25, wherein the first and second information are recorded on different positions of the optical recording medium.

30. (Currently Amended) A method for recording a recording capacity of a recording medium, comprising the steps of:

providing a fixed recording capacity ~~in pre-recorded form~~ on the recording medium; and

recording a variable recording capacity information on a recordable or rewritable area of the recording medium,

wherein the fixed and variable recording capacity information are recorded on different positions of the recording medium.

31. (Original) The method of claim 30, wherein the variable recording capacity information is varied when a spare area is assigned or expanded, the spare area being excluded from a user data area.

32. (Original) The method of claim 31, wherein the spare area is a second spare area.

33. (Original) The method of claim 32, wherein the variable recording capacity information is the information at least excluding the second spare area.

34. (Original) A method for controlling a recording or reproducing data on or from an optical recording medium, comprising the steps of:

reading an information for indicating a recording capacity of the optical recording medium, the information including first information for indicating a default recording capacity of the optical recording medium, and second

information for indicating a varied recording capacity of the optical recording medium, wherein the first and second recording capacity information are recorded on different positions of the optical recording medium; and

controlling the recording or reproducing data on or from the optical recording medium based on the first and second information.

35. (Original) The method of claim 34, wherein the first information indicates a capacity of 4.7 GB.

36. (Original) The method of claim 34, wherein the first information is recorded on a pre-recorded area of the optical recording medium, while the second information is recorded on a recordable or rewritable area of the optical recording medium.

37. (Original) The method of claim 34, wherein the first information is recorded in a pre-recorded form in the optical recording medium.

38. (Original) The method of claim 34, wherein the first information indicates an entire recording capacity of the optical recording medium.

39. (Original) The method of claim 34, wherein the second information is varied depending upon whether a spare area to replace a defective unit is assigned or varied with respect to the size.

40. (Original) The method of claim 39, wherein the spare area is a second spare area.

41. (Original) The method of claim 40, wherein the second spare area is excluded from a user data area, and the second information is the information at least excluding the second spare area.

42. (New) A method for recording a recording capacity of a recording medium, the recording medium providing at least first information associated with a fixed recording capacity on the recording medium, the method comprising the steps of:

checking if an area for performing a defect management is assigned or expanded; and

recording a second information on a writable area of the recording medium to indicate a status if the area for performing the defect management is assigned or expanded as a result of the checking step,

wherein the first and second information are provided on different positions of the recording medium.

43. (New) The method of claim 42, wherein the second information indicates that the recording capacity is varied according to an assignment or expansion of the area for performing the defect management, said area being excluded from a user data area.

44. (New) The method of claim 43, wherein the area for performing the defect management is a spare area to replace any defective unit of user data with a replacement unit.

45. (New) The method of claim 44, wherein the second information excludes the spare area.

46. (New) A recording medium comprising:



first information associated with a fixed recording capacity of the recording medium; and

second information recorded on a writable area of the recording medium to indicate a status when an area for performing a defect management is assigned or expanded,

wherein the first and second information are provided on different positions of the recording medium.

47. (New) The recording medium of claim 46, wherein the second information indicates that the recording capacity is varied according to an assignment or expansion of the area for performing the defect management, said area being excluded from a user data area.

48. (New) The recording medium of claim 47, wherein the area for performing the defect management is a spare area to replace any defective unit of user data with a replacement unit.

49. (New) The recording medium of claim 48, wherein the second information excludes the spare area.